IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 3235 of 2005

Between:

D. Venkateswara Reddy, S/o Koti Reddy,
R/o Door No. 2-114, Doddavari Street, Markapur, Prakasam

District.

..... PETITIONER

AND

Regional Transport Authority, Prakasam District at Ongole, Rep. by its Secretary.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus, directing the Respondent herein to receive the valid records of a stage carriage bus from the Petitioner within four months from today to issue Pucca Stage Carriage Permit to ply his bus on the existing Town Service Route-Markapur Reading Room to Tummalacheruvu (via) Driver's Colony etc as per the order of the State Transport Appellate Tribunal, Hyderabad, in A.P.No. 482/2003 dated 26-4-2004 and the consequential order dated 13-9-2004 in M.P.No. 224/2004 in A.P.No. 482/2003, to enable the petitioner to ply his bus on the said route.

Counsel for the Petitioner:MR.E.MARUTHI RAJA

Counsel for the Respondent: GP FOR TRANSPORT

The Court at the admission stage made the following O R D E R:

By an order dated 26.04.2004, the State Transport Appellate Tribunal, Hyderabad, in A.P.No.482 of 2003 allowed the appeal setting aside the order passed by the respondent therein and directed the respondent to issue permit to the petitioner within four months from the date of receipt of a copy of the order on production of valid records and documents as required under the Motor Vehicles Act, 1988 and APMV Rules, 1989.

Now, the learned counsel for the petitioner contended that due to non-availability of vehicles and due to lack of funds, the petitioner could not purchase a new vehicle within that time and produce the valid records of a vehicle in order to obtain permit from the respondent. It is further contended that this Court in similar circumstances in W.P.No.23274 of 2002 dated 21.11.2002 granted six weeks time to the petitioner therein on the ground that no third party rights have accrued on production of the records. Therefore, the facts on hand are also similar to that of the writ petition disposed of by this Court.

Having regard to the facts and circumstances of the case, the writ petition is disposed of granting two months time from today to submit valid records to the respondent. On submission of the records within the said time, the respondent shall take appropriate steps to issue Pucca Stage Carriage permit. If the petitioner fails to submit the valid records and documents within the said period, he is not entitled for Pucca Stage Carriage permit. No costs.

23.02.2005

Note:Furnish copy in three days

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To

1. The Secretary, Regional Transport Authority, Prakasam District Ongole.
2. Two CCs to G.P. for Transport, High Court of A.P., Hyerabad (OUT).
3. Two CD copies.